

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,) 2:11-cr-00300-PMP-PAL
Plaintiff,) 2:11-cr-00338-PMP-GWF
vs.)
DARRYL SCOTT NICHOLS,) PROPOSED
ANGELA ESPARZA,) ORDER ON UNOPPOSED
Defendants.) MOTION TO
) CONTINUE SENTENCING

FINDINGS OF FACT

Based on the Government's pending Unopposed Motion to Continue Sentencing, and good cause appearing therefore, the Court hereby finds that:

14 1. The parties are in agreement to continue the Sentencing dates as presently scheduled.

15 2. This Court is convinced that an adequate showing has been made that to deny this

16 request for continuance, taking into account the exercise of due diligence, would deny the United

17 States sufficient time to be able to effectively prepare for the co-conspirator and target trials and would

18 bar the defendants from the opportunity to cooperate and potentially receive downward departures at

19 the time of sentencing. This decision is based on the following findings:

20 a. The defendants agreed in their plea agreements to cooperate against their co-
21 conspirators in any related indictments and trials.

22 b. The United States agreed to consider downward sentencing concessions for
23 the defendants' cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance
24 resulted from such cooperation.

25 c. The United States anticipates several additional pleas, indictments and trials in related
26 cases, but not sooner than 8 months from now.

1 d. The parties need additional time to prepare the defendants' cooperation against other
2 co-conspirators and targets.

3 e. The defendants do not object to the continuance.

4 f. The defendants are out of custody.

5 3. For all the above-stated reasons, the ends of justice would best be served by
6 continuing the Sentencing dates.

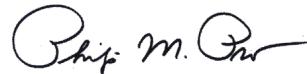
7 4. The additional time requested by this Stipulation is excludable in computing
8 the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
9 Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

10 **ORDER**

11 **IT IS THEREFORE ORDERED** that the Sentencing dates currently set for December 5,
12 2011 at 9:30am and January 23, 2012 at 11:00am, respectively, are vacated and the same are
13 continued. This delay is excluded from the time within which the trial must commence pursuant to
14 the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A).

15 **IT IS ORDERED** the Sentencings are continued to Monday, September 24, 2012, at 10:00
16 a.m. in Courtroom 7C.

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18 **DATED** this 15th day of November, 2011.

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22 **UNITED STATES DISTRICT JUDGE**
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